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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, CAO H

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,779	Applicant(s) CHEVALLIER ET AL.	
	Examiner Cao (Kevin) Nguyen	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1-9 are objected to because of the following informalities: The preamble “Method of navigation within a collection of sound...” should be changed to --A method of navigation within a collection of sound – throughout the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1-9 are functional descriptive material "Data Structures" representing descriptive material per se or computer program representing computer listing per se representing descriptive material per se or computer program representing computer listing per se. The claim 1 recites " Method of navigation within a collection of sound.." as Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional

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interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized.

To expedite a complete examination of the instant application, the claims rejected under 35U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of the applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "central unit" in claim 10 is a relative term which renders the claim indefinite. The term "central unit" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the examining purpose, the Examiner interprets the term "central unit" as a "central processing unit". Claims 9-18 are also rejected by virtue of their dependency to Claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (US 2004/0175036) in view of Konig et al. "An Acoustic Database Navigator for the Interactive Analysis of Psycho-Acoustic Sound Archives; page 60-63, 916 October 1998".

Regarding claims 1 and 10, Graham discloses method of navigation within a collection of sound documents stored in a reproduction apparatus furnished with a display device, comprising: a step of storage of each sound document of the collection, a step of analysis of the documents stored so as to determine audio parameters specific to each document, the method is characterized in that it comprises the following steps [..GUI is displayed on the display device. A representation of the multimedia information stored by the multimedia document; see page 1, par. 0012], positioning of graphics identifiers corresponding to at least part of the sound documents on a graphics page of the display device, the position of each graphics identifier being dependent on the parameters calculated previously for a given document [..audio and video key frames extracted from parameter; see page 2, par. 0013, 0014 and figure 10]. However, Graham fails to explicitly teach automatic navigation by selecting and by reproducing successively the sound documents according to a strategy taking into account the position of the graphics identifiers of the documents in the graphics page and a geometric characteristic specific to the

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reproduction apparatus, the total duration of the navigation being equal to the sum of the durations of the stored documents reproductions.

Konig discloses automatic navigation by selecting and by reproducing successively the sound documents according to a strategy taking into account the position of the graphics identifiers of the documents in the graphics page and a geometric characteristic specific to the reproduction apparatus, the total duration of the navigation being equal to the sum of the durations of the stored documents reproductions (see pages 60-63). It would have been obvious to one of an ordinary skill in the art, having the teachings of Graham and Konig before him at the time the invention was made, to modify the graphical feature identify of Graham to include An Acoustic Database Navigator for the Interactive Analysis, as taught by Konig. One would have been motivated to make such a combination in order to navigate easily within a large collection of audio content and to reproduce contents that the users desires, doing so in a competitive and user friendly fashion.

Regarding claims 2 and 11, Graham discloses wherein it comprises a step of determination of groups of documents possessing close parameter values, the graphics identifiers associated with the documents of a group having a similitude [..navigation interface display; see page 4, par. 0056 and 0059].

Regarding claims 3 and 12, Konig discloses wherein it comprises a step of reception of a command for instigating navigation by specifying the navigation strategy used by the reproduction apparatus for automatically chaining the reproduction of the documents (see pages 62-63).

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Regarding claims 4 and 13, Konig discloses wherein it comprises a step of determination by the reproduction apparatus of a navigation strategy for automatically chaining the reproduction of the documents (see pages 60-61).

Regarding claims 5 and 14, Graham discloses wherein the navigation consists in automatically selecting and reproducing the documents whose graphics identifiers are situated in proximity to a straight line segment between a starting point and a finishing point, the first document selected being that situated on the starting point or being that closest to the said point (see page 7, par. 0078-0079 and figure 20A).

Regarding claims 6 and 15, Konig discloses wherein the navigation consists in automatically selecting and reproducing the documents whose graphics identifiers are situated in proximity to a geometric shape consisting of a line commencing from a starting point and ending at an edge of the screen, the first document selected being that situated on the starting point or being that closest to the said point (see page 24, par. 0256-0257 and figure 20A)

Regarding claims 7 and 16, Konig discloses wherein it comprises a prior step of determination of a subset of graphics identifiers, the automatic navigation consisting in selecting randomly and successively each of the documents associated with the graphics identifiers of the said subset (see pages 61-63). It would have been obvious to one of an ordinary skill in the art, having the teachings of Graham and Konig before him at the time the invention was made, to modify the graphical feature identify of Graham to include An Acoustic Database Navigator for the Interactive Analysis, as taught by Konig. One would have been motivated to make such a combination in order to navigate easily within a large collection of audio content and to reproduce contents that the users desires, doing so in a competitive and user friendly fashion.

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Regarding claims 8 and 17, Graham discloses wherein it comprises a step of displaying the number of documents reproduced according to the determined strategy (see page 23, par. 0252).

Regarding claims 9 and 18, Konig discloses wherein it comprises a step of displaying the serial number of the document undergoing reproduction (see page 24, par. 0258, 0259).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571)272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cao (Kevin) Nguyen/
Primary Examiner, Art Unit 2173

09/12/08